

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Section 708.9
Title 14, California Code of Regulations
Re: Bighorn sheep fund raising tags and nonresident tag numbers

I. Date of Initial Statement of Reasons: November 16, 2012

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: December 12, 2012
Location: San Diego

(b) Discussion Hearing: Date: March 6, 2013
Location: Mt. Shasta

(c) Adoption Hearing: Date: April 17, 2013
Location: Santa Rosa

III. Description of Regulatory Action:

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

The purpose of this proposed change is to clarify that fund-raising tags are defined in Section 362 of Title 14, California Code of Regulations, and not in Section 708.9 of Title 14; and to propose the Commission, based on public input and Commission interest, consider increasing the maximum number of non-resident general license tags from one to a maximum of ten percent (10%) of the bighorn sheep general license tags available.

Existing Section 708.9, Title 14, California Code of Regulations is inconsistent with fund-raising tags defined in Section 362 for bighorn sheep. Section 708.9 needs to be updated to accurately reflect and refer to the correct fund raising tags available for bighorn sheep.

Existing Section 708.9, Title 14, California Code of Regulations limits the number of bighorn sheep general license tags to non-resident hunters to one. The number of general license tags has increased over the years and now averages 24 tags (when the regulation was established there were less than 5 general tags issued annually). Non-resident general license tags have remained capped at one (1) so to remain consistent in the distribution of tags, there is a need to develop flexibility and allow more non-resident general license tags as the number of tags change over time.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 203, 215, 219, 220, 331, 332, 1050, 1572, 4302 and 10502, Fish and Game Code.

Reference: Sections 200, 201, 202, 203, 203.1, 207, 210, 215, 219, 220, 331, 332, 713, 1050, 1570, 1571, 1572, 3950, 3951, 4302, 4902, 10500 and 10502, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change: None

(d) Identification of Reports or Documents Supporting Regulation Change:

Economic Impact Analysis

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

Public Scoping at November 7, 2012 Fish and Game Commission meeting in Los Angeles.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Fund-raising tags

No alternatives were identified. Bighorn sheep fund-raising license tags are changed periodically in Section 362. Identifying in Section 708.9 is duplicative.

2. Non-resident general license tags

No alternatives were identified. Changing the current cap on non-resident to a percentage of total available allows for growth with changes over time as bighorn sheep tag quotas are adjusted periodically in Section 362.

(b) No Change Alternative:

1. Fund-raising tags

The no-change alternative was considered and rejected because it would not attain objectives of clarifying inconsistencies and inaccuracies relative to fundraising tags as defined in Section 362. Retaining the current language would be responsive to changes in previous years that defined fundraising tags beyond just the open zone tag. The no-change alternative would accurately depict the number of fundraising tags and the descriptions of them.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to the affected private persons than the proposed regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

- (d) Description of Reasonable Alternatives That Would Lessen Adverse Impact on Small Business: Not applicable

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action/Results of the Economic Impact Analysis

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States.

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This proposal is economically neutral to business.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed mammal regulations will not have impacts to jobs and/or businesses in California.

Health and Welfare of California Residents: Hunting is an outdoor activity that can provide several benefits for individuals who partake in it and for the environment.

The proposed mammal regulations will not have impacts to worker safety.

Benefits to the Environment: Ensure a sustainable management of big game populations in California.

- (c) Cost Impacts on Representative Private Person or Business

The Fish and Game Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State.

There are no costs or savings with regard to state agencies or federal funding to the State.

- (e) Other Nondiscretionary Costs/Savings to Local Agencies.

None

- (f) Programs Mandated on Local Agencies or School Districts.

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4.

None.

- (h) Effect on Housing Costs.

None.

Informative Digest/Policy Statement Overview

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